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In re Application of :
GARNER, Archie *et al* :
U.S. Application No.: 10/521,225 :
PCT No.: PCT/US03/22722 :
Int. Filing Date: 21 July 2003 :
Priority Date: 12 August 2002 :
Attorney's Docket No.: 13015/38719BUS :
For: URETHANE ACRYLATE GEL COAT :
RESIN AND METHOD OF MAKING :

DECISION

This is a decision on the request to add an inventor in the above-captioned application filed 06 July 2005 which is treated as a petition under 37 CFR 1.497(d). The \$130.00 petition fee has been paid

BACKGROUND

On 13 January 2005, applicants filed papers to enter the national stage of PCT/US03/22722.

On 06 July 2005, applicants filed the subject petition which was accompanied by, *inter alia*, the petition and surcharge fee; a "Statement of Ehtisham A. Ashai to Correct Inventorship Under 37 CFR 1.48(a)"; an "Assent of Assignee to Addition of Original Named Inventors"; and an executed declaration which included Mr. Ashai as a joint inventor.

DISCUSSION

Applicants request to add Ehtisham A. Ashai as an inventor in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without

deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed a statement by Ehtisham A. Ashai who requests to be added as an inventor in the above-captioned application. The statement declares that "[t]he omission was due to an error that was diligently corrected after discovery of the error." The processing fee of \$130.00 has been paid.

Applicants also submitted a document titled "Assent of Assignee to Addition of Original Named Inventors" consenting to the change of inventorship in the above-identified application. This document was signed by the Secretary of Valspar Sourcing, Inc. The position of Secretary is a position recognized as having the authority to sign for a corporation. See § 324 MPEP.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) to add Ehtisham A. Ashai as a joint inventor in the above-captioned application is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 July 2003, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 06 July 2005.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.



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